

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1578 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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DILIPKUMAR VADILAL RAMI

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioner

Mr.S.A.Pandya, ld. APP for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 16/07/97

ORAL JUDGEMENT

The petitioner applied before the Court of JMFC for return of the muddamal Jeep. The application was dealt with by the learned JMFC, Radhanpur in connection with prohibition Case No.32 of 1995 of Radhanpur Police Station and as the investigation was in progress and the accused were yet to be arrested, the application for return of jeep was not considered. It seems that the petitioner is also one of the accused of that case. The Jeep bearing Registration No.RJ-24-G-0209 is registered in Rajasthan. The learned Magistrate has also in his detailed order, considered the aforesaid aspect of the matter and rejected the application. It was, therefore, carried by way of Criminal Appeal No.24 of 1995 before the learned Sessions Judge of Banaskantha at Palanpur. The learned Sessions Judge heard the matter and confirmed the order of the trial Court for the aforesaid reasons.

2. By now, the investigation is over and police papers must have been filed before the Court and the matter must have resulted into a pending criminal case

under the Bombay Prohibition Act and other related provisions. In that view of the matter, obviously, when there are two orders of the Courts below holding against the petitioner, this Court will not interfere with the same especially when the learned JMFC himself has said that the investigation is in progress and the accused are yet to be arrested.

3. In the aforesaid background, when the investigation is over, if the circumstances so warrant, the petitioner may again apply before the trial Court and the learned JMFC shall, after hearing, consider the request on its own merit and in accordance with law.

4. In view of this observation, nothing further is required to be done in the matter. The petition is rejected. Rule is discharged.
